

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
DOCKET NO. 3:20-cv-00511

United States of America)
)
)
)
)
)

v.)
)
)
Approximately fifty-five new-in-box Apple)
iPhones, six new-in-box Apple iPads, one new-)
in-box Apple watch, and four new-in-box)
Apple AirPods located by DHL in or about)
April and May 2019 and voluntarily turned)
over by DHL to United States Secret Service in)
about October 4, 2019, all such items obtained)
by DHL from a larger DHL shipment from)
numerous senders, including but not limited to)
Rami Mhana, with a labeled destination of)
Union Logistics in Dubai, United Arab)
Emirates;)
)

STATUS REPORT

Approximately fifty-two new-in-box Apple)
iPhones and approximately \$178,582 in United)
States Currency seized on or about October 9,)
2019, pursuant to a federal Search Warrant,)
from Protocol Business Group, Inc.'s retail)
location at 441 Bradford Drive, Charlotte,)
North Carolina; and)
)

Approximately \$20,536.20 in funds seized on)
or about October 9, 2019, pursuant to a federal)
Seizure Warrant, from Fifth Third Bank)
account XXXXX0126, such account held in)
the name of Protocol Business Group, Inc.)

NOW COMES the United States of America, by and through Russ Ferguson, United States Attorney, and Claimant Protocol Business Group, Inc., by and through undersigned counsel, and submit this Status Report. This case remains stayed pending the conclusion of the related criminal matter in *United States v. Rami Mahmud Mhana* (W.D.N.C. 3:22CR78), currently on appeal to the

Fourth Circuit (cases 24-4488(L); 24-4533).

In the Mhana criminal case, the Jury previously returned a Special Verdict of Forfeiture (Doc. 52) for some of the items identified in this civil forfeiture case. Then, the Court issued a detailed Order of Forfeiture (Doc. 65) for the same items. Approximately eleven months later—on August 26, 2024, the District Court conducted a multi-hour sentencing in the *Mhana* case. At the conclusion of that sentencing, the Government requested forfeiture but Defendant objected to the forfeiture. The Court, during oral pronouncement, initially ordered forfeiture but, later, apparently did not incorporate forfeiture into the sentence, nor did the Court include forfeiture in the Judgment in a Criminal Case (Doc. 89).

Defendant Mhana has now appealed various aspects of his conviction and sentence. The Government has also appealed, particularly as to the criminal forfeiture, which the Government contends was mandatory under Fourth Circuit law. The appellate case remains open and ongoing, with oral arguments complete but an appellate opinion not yet issued.

In light of the appellate status of the criminal case, the parties continue to contend that the best solution for purposes of the parties and judicial economy is for this case to remain stayed pending resolution of the appeal in the criminal matter.

RUSS FERGUSON
UNITED STATES ATTORNEY

s/ Benjamin Bain-Creed
Florida Bar # 0021436
Assistant United States Attorney
Suite 1650, Carillon Building
227 West Trade Street
Charlotte, North Carolina 28202
Telephone: (704) 344-6222
Fax: (704) 344-6629
Email: benjamin.bain-creed@usdoj.gov

PROTOCOL BUSINESS GROUP, INC.

/s/ Mark A. Jones

Mark A. Jones

N.C. Bar No. 36215

BELL, DAVIS & PITTS, P.A.

227 W. Trade Street, Suite 1800

Charlotte, NC 28202

Telephone: (336) 722-3700

Facsimile: (336) 722-8153

Email: mjones@belldavispitt.com